

University of Michigan case regarding the constitutionality of affirmative action in higher education is decided by the en banc 6th Circuit. This case is considered the affirmative action case most likely to go to the Supreme Court. Rumors have been circulating that the case will be decided in the next few weeks. The thinking is that the current 6th Circuit will sustain the affirmative action program, but if a new judge with conservative views is confirmed before the case is decided, that new judge will be able, under 6th Circuit rules, to review the case and vote on it.

LDF asked Senator Leahy's staff yesterday to schedule Richard Clifton, an uncontroversial nominee to the 9th Circuit, before moving Gibbons, but they apparently refused. The decision has to be made today (or by early Thursday morning) since the hearing will be noticed on Thursday.

— and I are a little concerned about the propriety of scheduling hearings based on the resolution of a particular case. We are also aware that the 6th Circuit is in dire need of additional judges. Nevertheless we recommend that Gibbons be scheduled for a later hearing: the Michigan case is important, and there is little damage that we can foresee in moving Clifton first. (It should be noted that Clifton was nominated three months before Gibbons and that Clifton's seat, and not Gibbons', has been designated a judicial emergency.) Elaine will ask that no 6th Circuit nominee be scheduled until after the Michigan case is decided. This may be too much to promise: we only have three uncontroversial circuit court nominees left and two of these are from the 6th Circuit.

Recommendation: Let Elaine know that we will ask Senator Leahy to schedule Gibbons after Clifton. Given the dearth of uncontroversial nominees, however, the Committee will probably have to hold a hearing for Gibbons on May 9th even if there's yet no decision in the Michigan case.

#### VETERAN TRIBUTE FOR COLONEL ANDREW C. OLIVO

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. BURGESS. Mr. Speaker, I rise today to recognize the contributions and sacrifices of Colonel Andrew C. Olivo.

Colonel Andrew C. Olivo has served our country for many years in the United States Army Judge Advocate General Reserve. He was a part of the Desert Storm Conflict and Gulf War I. He has received numerous awards and medals for his services. These awards include two National Defense Service Medals and Army Commendation Medals. Colonel Olivo is also a recipient of four Meritorious Service Medals and the Humanitarian Service Medal with one service star.

At a time when we are once again at war, it is necessary to recognize the achievements of these national heroes. Due to their dedication, service, and sacrifice, they deserve our unwavering admiration and our unending gratitude.

Our country often takes for granted the freedoms and liberties our service men and women risk their lives to protect; yet by continuing to honor our veterans we preserve our nation's future by commemorating their past.

Thank you, Colonel Olivo, for your service and sacrifice. You are a true hero.

#### PAYING TRIBUTE TO DON VANDERHOOF

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to my friend Don Vanderhoof. Don has served the community of Glenwood Springs, Colorado for many years. Over the last eight years, Don has held a seat on the City Council, the last two of which he served as Mayor. Don is a tremendous public servant, and a wonderful person, and it is my honor to call his many contributions to Glenwood Springs to the attention of this body of Congress and our nation.

Over the last eight years, Don was instrumental in providing leadership and guidance for many important City projects. During Don's tenure in city government, there were major additions to the resources available to the Glenwood Spring's Police, Fire, and Public Works Departments. In addition, the City added a new Community Center and City Hall, repaired the City's water delivery system, improved public transportation, and worked to maintain the hiking trails and beautiful wilderness areas surrounding the City. These are just a few of the many accomplishments in which Don Vanderhoof was involved for the betterment of the City of Glenwood Springs. There is no question that Glenwood Springs has become a better place as the result of Don's tireless dedication to its citizens.

The people of my hometown will miss having Don as a devoted public servant. However, Don does not intend to remain idle in his retirement. I know that he will remain very active in the Glenwood Springs community. Don will now have more time for the many volunteer and community service activities that he eagerly undertakes. In addition, Don will have the opportunity to spend more time with his lovely wife Eddie, and his many friends, neighbors and family members throughout town.

Mr. Speaker, it is my privilege to rise and pay tribute to Don Vanderhoof. He has dedicated many years of his life to improving the quality of life for the citizens of Glenwood Springs and has accomplished an incredible amount to that end. In addition to his public service, Don is a great family man and a dear friend to many. He is one of Glenwood Springs' most beloved citizens. Don's life is the embodiment of all that makes this country great and I consider it an honor to call him a friend. Thank you Don, for your service.

#### THE NIGHTMARE IN TURKMENISTAN

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 21, 2003*

Mr. SMITH of New Jersey. Mr. Speaker, November 25 will mark the one-year anniversary of events in Turkmenistan that turned that already bizarre autocracy into an even more nightmarish kingdom. According to the official version, opposition groups led by former high-ranking officials tried to assassinate Saparmurat Niyazov, the country's President-

for-Life. The attempt failed, the plotters were found, tried and imprisoned, and in the eyes of Niyazov's regime, justice has been done.

What actually happened that day is unclear. There may well have been a coup attempt against Niyazov, who has turned himself into virtually a living god. Or, as some opposition activists in exile maintain, the whole affair may have been staged by Niyazov to crack down even harder. Since no outsider has had access to those arrested in connection with the events, the truth may never be known.

Whatever happened, it is easy to understand the desperate frustration among Turkmen. Niyazov has made Turkmenistan the only one-party state in the former Soviet space, where one man decides everything, no opposition is permitted, all media are totally censored and the populace is forced to study the "rukhnama"—a dictator's rantings that purport to be a one-stop religion, national history and morality lesson.

What is clear is that Niyazov's response to November 25 has trampled on civilized norms, even if his allegations are true. In the wake of the arrests, all opposition—real or imagined—has been crushed. Quick show trials of the accused were broadcast on television, after which they received long prison sentences with no access to relatives or international organizations. Some of the opposition leaders have already died in prison. One individual who was arrested, an American citizen named Leonid Komarovsky of Massachusetts was eventually released, as a result of pressure from Washington. Upon gaining his freedom, he told the world of the horrible tortures people suffered at the hands of Turkmen security forces. The stories rival any we used to hear from the Soviet Union or Saddam Hussein's Iraq. In addition, relatives of those deemed "enemies of the people" have been targeted for persecution. The luckier ones merely are fired and thrown out of their apartments onto the streets; others have been arrested and tortured in prison or forced to watch their loved ones being tortured.

In response to this crisis, the OSCE invoked the Moscow Mechanism, a rarely-used tool to investigate particularly appalling human rights violations. But Niyazov refused to cooperate with the OSCE, whose officially designated rapporteur was denied a visa. Nevertheless, he was able to compile a comprehensive dossier of horror, which documents as well as possible without access to prisons, the mistreatment and abuse of those arrested and the persecution of their relatives. The rapporteur also forwarded to the Government of Turkmenistan recommendations to move towards reform. Niyazov has dismissed them as "offensive" and "interference in internal affairs."

Niyazov has also refused U.S. officials entry to his jails. Recently, Ambassador Stephen Minikes, head of the U.S. Delegation to OSCE visited Ashgabat, but despite his explicit request, was not allowed to check on the health of one of those arrested: former Turkmen Foreign Minister and OSCE Ambassador Batyr Berdiev. There are persistent rumors he has died in prison.

One year after the events of November 25, Saparmurat Niyazov remains in power. He continues his crackdown, and the country's downward spiral accelerates. Niyazov has reintroduced exit visas, a legacy of the Soviet past we thought had been definitively overcome. Just last week, he instituted new laws